

DATE: 04 October 2016

TO: Chief Administrator
Independent Police Review Authority

FROM: Inv. Tiffany Williams, # 125

SUBJECT: Log # 1068046
U # 14-07

REFERENCE: RD # HX 188870

INVOLVED OFFICER: SABELLA, Anthony, M/W: Star # 11974, Unit 007;
Emp. # [REDACTED], DOB: [REDACTED], DOA: 27 August 2001, On-duty

OFFICER'S WEAPON: Springfield Armory; .45 Caliber; semi-automatic; Model XD45; 4" barrel, Serial # [REDACTED]. Chicago Registration # R005265S, FOID # [REDACTED] Fired (2) rounds

OFFICER'S INJURY: None reported

SUBJECT: [REDACTED]; Black Male, DOB [REDACTED] Address: [REDACTED] S. Sangamon- [REDACTED] Chicago, Ill; IR # 2051407

SUBJECT'S WEAPON: Black replica handgun

SUBJECT'S INJURIES: Transported to Stroger Hospital; (1) gunshot wound to the upper right arm and (1) gunshot wound to the lower back/buttock region- Stable condition.

DATE & LOCATION: 17 March 2014
[REDACTED] S. Sangamon, 3rd Floor Attic Balcony

TIME OF IPRA NOTIFICATIONS: 17 March 2014, 2223 hours

TIME OF IPRA RESPONSE: 17 March 2014 at approximately 2253 hours

IPRA**ON-SCENE:**

IPRA General Counsel Eric Muellenbach
IPRA Director of Public Affairs Larry Merritt
IPRA Supervising Investigator Patrick Querfurth
IPRA Investigator Daniel Neubeck

IPRA**NOTIFICATIONS:**

IPRA Chief Administrator Scott Ando
IPRA General Counsel Eric Muellenbach
IPRA Supervising Investigator Patrick Querfurth
IPRA Investigator Daniel Neubeck

SUMMARY OF INCIDENT

On 17 March 2014, at approximately 2153 hours, Police Officer Anthony Sabella, #11974, who was working Beat 772, responded to a call of a man with a gun at [REDACTED] S. Sangamon. Upon arrival, PO Sabella observed a black male subject, now known to be [REDACTED] on an attic porch waving what appeared to be a pistol back and forth, pointing it at his head and at the group of officers gathering below, while threatening to shoot himself. Officers ordered Mr. [REDACTED] to drop the firearm. However, he refused and he continued to point the firearm at himself and the officers. Several officers entered the home and positioned themselves inside the opening to the attic balcony behind Mr. [REDACTED]. Mr. [REDACTED] pointed his firearm at an officer inside the residence and then turned and pointed his firearm toward the officers on the street. Officer Sabella was positioned behind the engine block of a police vehicle in a kneeling position with his firearm pointed toward Mr. [REDACTED]. Fearing for the life of the officers on the street, Officer Sabella discharged his firearm two times at Mr. [REDACTED] striking him once in the upper right arm and once in the buttocks. Mr. [REDACTED] was then taken into custody by officers inside the attic. Officers requested an ambulance to render medical treatment for Mr. [REDACTED]. Mr. [REDACTED] was transported to Stroger Hospital for treatment.

A black replica pistol was located on the attic porch where Mr. [REDACTED] was standing when he was shot. The incident occurred at night and was supplemented by artificial street lighting and later spotlights trained from the CPD vehicle on scene.

INVESTIGATION

Attempts were made to interview [REDACTED] On 17 March 2014, Inv. Jones spoke with Mr. [REDACTED] Stroger Hospital while he awaited medical treatment at Stroger Hospital. Mr. [REDACTED] disclosed to Inv. Jones that he was a diagnosed schizophrenic, currently not taking his medication, and he had made previous attempts to harm himself. The interview was terminated at that time to obtain permission from Mr. [REDACTED] guardian or power of attorney based on his mental state. (Att. 30)

Attempts were made to speak with [REDACTED] [REDACTED] and [REDACTED] the parents of [REDACTED] Mr. [REDACTED] parent's spoke to IPRA via telephone initially, however soon

ended all communication with IPRA. Certified and regular mailings requesting an interview were sent and those attempts were also unsuccessful. (Att. 32)

In an in-person statement with IPRA, **Witness** ██████ stated that she had been visiting her fiancé, ██████ at his home at ██████ S. Sangamon. Ms. ██████ stated that Mr. ██████ is schizophrenic and she noticed that he was not himself. Mr. ██████ and Ms. ██████ became involved in a physical altercation and Mr. ██████ chased her down the street and through an alley. Ms. ██████ sustained a "busted lip" as a result of the altercation. Ms. ██████ was able to get away from Mr. ██████. He then went inside his home. A short time later, Ms. ██████ heard a commotion coming from the street. She stepped outside and observed Mr. ██████ arguing with unknown persons in the street. During this argument, Ms. ██████ observed Mr. ██████ with a gun in his hand and waving it in the air.

The police were called and responded to the residence. Ms. ██████ remained outside the perimeter of the scene formed by police as they arrived. Specifically, Ms. ██████ described being approximately three houses away from the Mr. ██████ home. From her vantage point, Ms. ██████ observed Mr. ██████ on the roof of his home. His father was speaking to him from street level with the aid of a public address system. Ms. ██████ stated that Mr. ██████ father was telling him how much his family loved him and encouraged him to put the gun down. Ms. ██████ stated that she then overheard unknown police officers saying, "Shoot to Kill." Ms. ██████ stated that Mr. ██████ never said anything to the police while she observed him on the roof. Ms. ██████ also stated that the police did not say anything to Mr. ██████. Ms. ██████ stated that Mr. ██████ never pointed the gun at anyone but himself and in the air. Ms. ██████ stated that at one point when Mr. ██████ pointed the gun in the air "he had shot." Then as he turned around, the police shot him in the arm and buttocks. Ms. ██████ stated that she never saw Mr. ██████ with a knife during this incident. Ms. ██████ also signed an affidavit stating that her recorded statement was truthful. (Atts. 46, 47)¹.

IPRA conducted a **Canvass** that produced two possible witnesses; however attempts to obtain statements were unsuccessful. (Att. 16)

The General Offense Case Report, Supplemental Case Report, and Arrest report of ██████ documented that on 17 March 2014 at approximately 2153 hours, officers responded to a call of "man with a gun" at ██████ S. Sangamon. ██████ was subsequently arrested for three counts of Aggravated Assault to Police. On 18 March 2014 at approximately 0531 hours, Mr. ██████ was released without charging. It was determined that, based on Mr. ██████ history of mental illness, he would be admitted to the hospital for a psychiatric evaluation.

The detective's supplemental report further detailed the information obtained relative to officers on scene and the witness information. Detective's interviewed PO Sabella, Sgt. Holy, Sgt. Jetel, who related essentially the same fact pattern as they provided to IPRA in subsequent

¹ Ms. ██████ was interviewed as a witness to this incident. At no point during her interview or during the pendency of the investigation did Ms. ██████ indicate a desire to register a complaint against any of the officers involved in this incident. Furthermore, the investigation did not reveal sufficient evidence to justify converting this case administratively in order to issue allegations against any officer involved.

interviews. Additionally the parents provided the detectives with statements. [REDACTED] the father of Mr. [REDACTED] stated that he received a telephone call from a neighbor stating that his son was "wilding out" and police chased him inside of the family home at [REDACTED] S. Sangamon. Mr. [REDACTED] returned home and observed [REDACTED] place a gun to his head and tell the police, "Shoot me". Mr. [REDACTED] stated that during the incident Chicago Police allowed him to use the police vehicle's loud speaker to talk his son down, but he was unsuccessful in doing so. Mr. [REDACTED] told the detectives that [REDACTED] suffers from schizophrenia.

[REDACTED] the mother of [REDACTED] told detectives that she received a telephone call from her son, [REDACTED] [REDACTED] told her that [REDACTED] was at home and had a gun and knife. When Mrs. [REDACTED] returned home she witnessed police chase her son into their home. [REDACTED] ran through the house and appeared on the balcony where CPD shined a light on him as he waived a gun around. Her husband spoke to [REDACTED] to try and get him to drop the weapon. She then heard three gunshots and was informed [REDACTED] had been shot. She then observed police escorting [REDACTED] to a CFD ambulance.

[REDACTED] told detectives that he was playing basketball when he observed [REDACTED] girlfriend run from their house at [REDACTED] S. Sangamon with blood on her face. When he tried to check on Ms. [REDACTED] he observed [REDACTED] with a knife in his hand. Moments later [REDACTED] observed [REDACTED] on the porch waving a gun around and threatening to kill [REDACTED]. Police arrived on scene and [REDACTED] retreated to the balcony of their home where he eventually was shot twice by the police.

[REDACTED] told the detectives she was visiting her friend [REDACTED] at her boyfriend [REDACTED] house([REDACTED] which lives at [REDACTED] S. Sangamon. "[REDACTED] began acting strange, he fell asleep and woke to find his girlfriend, [REDACTED] gone. Mr. [REDACTED] ran out of the house looking for [REDACTED] then approached Ms. [REDACTED] with a medium kitchen knife attempting to stab her. When Ms. [REDACTED] returned to the [REDACTED] residence, [REDACTED] had also returned, he became agitated and struck her three to four times. Ms. [REDACTED] called Ms. [REDACTED] and they both hid from Mr. [REDACTED]. Police arrived and she and Ms. [REDACTED] explained what had transpired. She then saw Mr. [REDACTED] on the roof with a gun in his hand, she later heard three gunshots.

[REDACTED] stated to detectives that she was in the bedroom of her boyfriend, [REDACTED] at [REDACTED] S. Sangamon; he attempted to take his "Schizophrenic medication" with a bottle of "Hennessy." She removed the alcohol and medication and he retrieved it again and attempted to swallow it with "Tequilla." Mr. [REDACTED] briefly fell asleep and Ms. [REDACTED] decide to go home leaving her friend, [REDACTED] there. Ms. [REDACTED] received a telephone call from Ms. [REDACTED] a short time later stating that Mr. [REDACTED] had awakened and was searching for her and had threatened her with a knife.

[REDACTED] told the detectives that he wanted to die so he pointed a fake gun at police so they would shoot him. Mr. [REDACTED] acknowledged that he was "a paranoid schizophrenic" and that he had not taken his medication in years. He refused any further information relative to the incident. Mr. [REDACTED] was admitted to the Stroger Hospital Trauma

Ward and then was transferred after receiving treatment for his gunshot wounds to Stroger's Psychiatric Ward. (Att. 4, 70)

The **Tactical Response Reports (TRR)** completed by Sgt. Brian Holy and Sgt. Micheal Jetel, document that Mr. [REDACTED] was characterized as an Assailant after he posed an imminent threat of battery with a weapon. Mr. [REDACTED] repeatedly pointed the gun at Sgt. Holy. Sgt. Holy and Sgt. Jetel responded with their member presence and verbal commands.

PO Sabella documented that Mr. [REDACTED] did not follow verbal direction, fled, posed an imminent threat of battery with a weapon; and he was armed with a gun and a knife. PO Sabella responded with his presence and he discharged his firearm twice (Atts. 19, 21, 23)

The **Officers Battery Reports (OBR)** documented that on the date and time and location of the incident, Sgt. Holy, Sgt. Jetel and PO Sabella were in uniform responding to a call of man with a gun. Mr. [REDACTED] pointed a weapon at officers and subsequently focused his attention on Sgt. Holy. Neither officer sustained any injuries. (Atts. 20, 22, 24)

The **Chicago Fire Department Ambulance Report** documented that upon arrival on scene, Mr. [REDACTED] was found with one gun shot wound to the lower back, and one to his upper right arm. Mr. [REDACTED] was assessed on scene and found to have sensation in all extremities. He was placed on a stretcher and transported to Stroger Hospital for further treatment. Mr. [REDACTED] was identified as having a past history of bipolar disorder and schizophrenia. (Att. 33)

Efforts to obtain Mr. [REDACTED] **Medical Records from Stroger Hospital** were unsuccessful. Stroger Hospital's Health Information Management Department denied access to Mr. [REDACTED] medical records without his consent due to the nature of his illness. (Att. 76)

Evidence Technician Photographs depict [REDACTED] clothing. The clothing included a pair of size 10 Kingshow boots; one pair of cut-off jeans; one pair of checkered boxer shorts with what appears to be bloodstains, one blue headband with the Nike Air symbol, one pair of white socks, one black t-shirt and a single key on a black lanyard. The photographs also depict a replica gun recovered from the balcony where [REDACTED] was standing. The replica gun that Mr. [REDACTED] was brandishing did not have any brightly colored markings that would indicate it was not an actual firearm. (Att. 74)

The **OEMC and PCAD reports** contain information regarding the events leading up to the shooting. On 17 March 2014, at approximately 2152 hours, a male caller called 911 and reported that there was a man with a gun who was chasing kids near 50th and Sangamon. The man was described as wearing all black and having a beard. On the same date, at approximately 2154 hours, a female caller called 911 and reported that a male individual "ended up breaking out a gun" and then make threatening remarks to a person or persons in the vicinity of 52nd and Sangamon. Approximately sixteen minutes elapsed from the time officers were noted that there was a man with a gun until shots were fired by police.

CPD Event #	Time	Relevant Text
1407615641	2153 hours	caller reports man with gun to head/unit dispatched
1407615803	2208 hours	Shots fired by brat 772
1407615804	2208 hours	Female caller heard shots fired
1407615812	2209 hours	Report of shots fired
1407615862	2212 hours	Unrelated EMS call
1407615951	2222 hours	Ambulance transport
1407615956	2222 hours	Police emergency plan clear
1407615962	2223 hours	ET request for crime scene
1407700981	0225 hours	ET @Stroger hospital
1407615623	2153	All events combined

Attempts to locate and interview additional independent witnesses were made to no avail. Telephone calls were made to the numbers identified via OEMC as well as business cards left during the canvass. (Atts. 34-37)

An **Illinois State Police Forensic Science Laboratory Report** documented PO Sabella's firearm, a Springfield 45 caliber automatic pistol, was found to be operable and in proper firing condition. One Winchester 45 auto caliber fired cartridge case was received and test fired. It was found to have rifling characteristics of six lands and grooves with a right hand twist (Att. 69)

The Illinois State Police Forensic Science Laboratory Report of the examination of the plastic replica gun that was recovered from the scene had no latent prints suitable for comparison. (Att. 73)



The **Synoptic Report-Firearms Discharge Incident Report** documented that the involved officer, PO Anthony Sabella, was administered a breath test at 0213 hours, on 18 March 2014 and registered a BAC reading of 000. (Att. 38)

In a statement to IPRA on 18 March 2014, **Witness Officer Sergeant Holy, # 10869** stated he arrived on scene and observed the subject standing on the balcony of [REDACTED] S. Sangamon, holding what appeared to be a semi-automatic handgun. While Mr. [REDACTED] stood on the ledge of the balcony and Sergeant Holy stood below at street level, the two engaged in conversation. At various points during the conversation, Mr. [REDACTED] told Sgt. Holy to shoot him. Mr. [REDACTED] also commented, "You don't want to shoot a nigger with a gun." Mr. [REDACTED] then began pointing the gun alternately at Sgt. Holy, toward the house, and to his own head. Sgt. Holy spoke with Mr. [REDACTED] for approximately five minutes with his weapon drawn. Mr. [REDACTED] continued pointing the gun at Sgt. Holy who instructed Mr. [REDACTED] not to point the gun at officers. Sgt. Holy then heard two shots fired from behind him. Sgt. Holy ran into the building, up to the balcony, and placed Mr. [REDACTED] into custody. Sgt. Holy emptied Mr. [REDACTED] pockets and determined that the firearm was a toy replica. Sgt. Holy asked Mr. [REDACTED] why he wanted the police to shoot him. Mr. [REDACTED] stated, "Because my family doesn't love me...my parent doesn't love me." (Atts. 61, 62)

In a statement to IPRA on 18 March 2014, **Witness Officer Sgt. Micheal Jetel, # 49650**, stated that, when he arrived on scene at [REDACTED] S. Sangamon, officers were running into the building. Sgt. Jetel exited his vehicle and proceeded to the building as well. He and other officers cleared the building. Sgt. Jetel ran to the attic where he heard Mr. [REDACTED] yelling "Kill me, kill me." Sgt. Jetel went to the window area (inside) where Mr. [REDACTED] was standing outside on the balcony. Sgt. Jetel observed Mr. [REDACTED] pointing the gun at his direction. Sgt. Jetel took cover, and he could hear Mr. [REDACTED] saying "Kill me, kill me....I'm gone kill you and then I'm gone kill me." Sgt. Jetel then left the attic. As he exited the building he heard two to three shots and was met by Sgt. Holy who stated that Mr. [REDACTED] had been shot. Sgt. Jetel and Sgt. Holy returned upstairs to the attic and he observed Sgt. Holy climbing onto the balcony. to restrain Mr. [REDACTED] (Atts. 63, 64)

In a statement to IPRA on 18 March 2014, **Witness Officer Greg Schoen #18806**, stated that, once he arrived, he watched Mr. [REDACTED] on the balcony waving a gun back and forth. PO Schoen took cover behind a squad car, a few feet away from where his partner, PO Chris Maksud stood. PO Schoen then heard officers, as well as Mr. [REDACTED] father, ordering him to "put the gun down, you don't want to do this." He then heard two rounds fired but did not observe who fired the rounds. (Atts. 49, 50)

In statement to IPRA on 18 March 2014, **Witness Officer Chris Maksud, # 16877**, stated that, upon arrival, multiple units were on scene. He was told that Mr. [REDACTED] ran into the building at [REDACTED] S. Sangamon. PO Maksud exited his vehicle and took cover at the intersection of 61st Sangamon between two squad cars, with his gun drawn. PO Maksud observed Mr. [REDACTED] on the balcony pacing back and forth with a gun. He observed Mr. [REDACTED] pointing it to his head and down toward the street. PO Maksud heard unknown officers giving orders, "Drop the weapon, Drop the weapon" Mr. [REDACTED] failed to comply with orders. PO Maksud then heard

two shots fired and observed Mr. [REDACTED] fall backwards. PO Maksud and other officers on scene then moved in to secure the area. (Atts. 51, 52)

In a statement to IPRA on 18 March 2014, **Witness Officer Marco Torres, # 3561**, stated that, upon his arrival to the scene, PO Torres observed Sgt. Jetel exiting his vehicle. PO Torres observed a male black (now known as [REDACTED] the brother of Mr. [REDACTED] standing in the street holding a sledge hammer. Deon stated that Mr. [REDACTED] the person wielding the gun, was his brother. Deon then informed PO Torres that his brother had just run through the gangway. PO Torres proceeded in the direction where Mr. [REDACTED] had been seen to travel PO Torres observed two females, Delena and Crystal who were crying and screaming "he's got a gun. He's got a gun." Crystal was actively bleeding from the face. PO Torres and PO Marino continued to approach [REDACTED] S. Sangamon. When they reached the house they observed a black male in the doorway holding a gun. He looked at the officers and closed the door. The officers approached and began announcing their office and banging on the door. The officers then kicked in the door. PO Torres and PO Marion began clearing the house. Over the radio, PO Torres heard that Mr. [REDACTED] was now out on the roof of [REDACTED] S. Sangamon and could be seen holding a gun to his head. PO Torres and PO Marino then went to the home immediately to the north of [REDACTED] S. Sangamon and stood on the stairs to have a better view of Mr. [REDACTED]

PO Torres further stated that he screamed, "Hey police don't do it. Drop the gun. Drop the gun." Mr. [REDACTED] responded, but PO Torres could not understand what he was saying. Mr. [REDACTED] continued to walk around the attic/roof with the gun pointed at his head. PO Torres stated that a few moments passed and he heard "shots go off." He was not aware from where the shots emanated and immediately took cover as he announced over the radio shots fired. PO Torres then heard someone else announce over the radio, "Shots fired by the police." PO Torres and PO Marino began to enter [REDACTED] S. Sangamon and learned that the officer who fired the shots was not inside the attic. PO Torres observed Mr. [REDACTED] being escorted from the house by a sergeant. Mr. [REDACTED] was handcuffed with blood stains on his jeans smiling while stating, "I can take this. I'm good. I'm good." (Atts. 53, 54)

In a statement to IPRA on 18 March 2014, **Witness Officer Frank Marino, # 14286**, stated that he arrived on scene and conducted a street stop of Mr. [REDACTED] brother who told PO Marino the direction in which Mr. [REDACTED] had just fled and that Mr. [REDACTED] was wielding a gun. Civilians on the street pointed out the house Mr. [REDACTED] had entered. When PO Marino approached the home, he observed Mr. [REDACTED] standing in the doorway with a weapon in his right hand. As PO Marino began to approach, Mr. [REDACTED] quickly slammed the door. PO Marino then positioned himself on top of the building next to where Mr. [REDACTED] was standing as to have a better view and vantage point. PO Marino overheard fellow officers saying that Mr. [REDACTED] was inside the attic with a gun to his head. PO Marino tried to get Mr. [REDACTED] neighbor to go back inside their homes because Mr. [REDACTED] was pointing the gun at himself and toward the ground where officers and civilians were standing. (Atts. 55, 56)

In a statement to IPRA on 18 March 2014, **Witness Officer Eli Rangel, # 13858** stated that there were multiple units on scene when he arrived. PO Rangel parked on 61st Street and Sangamon and proceeded through the gangway after observing Mr. [REDACTED] running up to the rear doorway of [REDACTED] S. Sangamon. PO Rangel followed behind as multiple officers entered the

home. Some officers went to the first floor. Some went to the second floor. PO Rangel then spotted some stairs that lead upward to the (3rd floor) attic/roof, where they found nothing but furniture. PO Rangel then observed an open window that faced the front of the building street side. Through that window, he observed an individual (now know to be Mr. [REDACTED]) sitting down with the firearm pointed to his head. PO Rangel radioed the information to officers on scene and ordered Mr. [REDACTED] to put his hands up. Mr. [REDACTED] failed to comply and became agitated demeanor. Unknown officers who were at street level attempted to calm Mr. [REDACTED] down. After approximately five minutes, PO Rangel heard two gunshots and was unsure of where the shots came from. (Atts. 57, 58)

In a statement to IPRA on 18 March 2014, **Witness Officer Sean McErlean, # 14447**, stated multiple units were on scene when he arrived and he was told that Mr. [REDACTED] ran into the building at [REDACTED] S. Sangamon. PO McErlean approached the house, drew his weapon, entered through the rear, and ran up the stairs to the attic. Mr. [REDACTED] was observed on the roof, outside of the window. As they officers approached him, they observed Mr. [REDACTED] holding a gun in his hand. PO McErlean and the other officers notified the other officers that Mr. [REDACTED] was armed. They all took cover behind the chimney. Officers were trying to persuade Mr. [REDACTED] to "Drop the gun. Give it up. There's no point in doing this." After several minutes, PO McErlean heard two shots fired. PO McErlean then heard Mr. [REDACTED] screaming and moaning. Over the radio, he heard that shots were fired by the police. PO McErlean observed that Mr. [REDACTED] walked unassisted when being taken into custody. (Atts. 59, 60)

In a statement to IPRA on 19 March 2014, **Involved Officer Anthony Sabella, # 11974**, stated that he was assigned to a wagon and responded to a person with a gun call along with his partner, Officer Minor. Upon arrival, PO Sabella heard radio transmissions that Mr. [REDACTED] was on the roof and officers were inside the location and on the ground. PO Sabella took cover behind a Tahoe parked on Sangamon and pointed the spotlight of the vehicle toward Mr. [REDACTED] standing on the roof. PO Sabella heard Sgt. Holy speaking to Mr. Masgby, repeatedly asking him to drop the gun. PO Sabella could not hear the conversation between Mr. [REDACTED] and the officers located inside the attic. Mr. [REDACTED] directed his attention between Sgt. Holy and the officers who were positioned inside the attic. PO Sabella described Mr. [REDACTED] as very erratic, very agitated and flailing the weapon. PO Sabella stated from his position of cover that he had an unobstructed view of Mr. [REDACTED] when Mr. Masgby stepped onto the ledge.

PO Sabella heard several people from the street telling Mr. [REDACTED] to put the gun down. At some point, the voices became amplified as if there was a public address system being utilized. PO Sabella stated that he drew his weapon after he had taken cover behind the Tahoe. There was artificial light illuminating the area in addition to the spotlights that had been aimed toward the attic/balcony where Mr. [REDACTED] was standing. PO Sabella observed Mr. [REDACTED] point the weapon back toward the attic window where he knew officers to be and then flail it about, in the direction of other officers. Mr. [REDACTED] made several comments that he was not going to put the weapon down and that he was going to shoot Sgt. Holy. Mr. [REDACTED] still had the gun pointed at his head and then pointed it toward Sgt. Holy stating that he wasn't going to put the gun down but he would shoot Sgt. Holy and then pointed the weapon in Sgt. Holy's direction while standing on the ledge. PO Sabella stated that at that point, he felt that Mr.

██████████ would open fire and harm someone so he discharged his firearm twice at Mr. ██████████. Mr. ██████████ fell from PO Sabella's field of view.

According to PO Sabella, his position of cover was kneeling between a wheel well and the door of a police vehicle and that he had a clear shot. Using his sights he saw the tip of the garage and no officers were in his view and Mr. ██████████ pointing his weapon down in the direction of Sgt. Holy. Sgt. Holy did not order PO Sabella to discharge his weapon. PO Sabella is unaware of any other officer discharging their firearms during the incident. PO Sabella holstered his weapon and made notifications regarding discharging his weapon, and headed toward the attic and recognized the small area could not accommodate all the activity that was taking place. He returned back to street level. PO Sabella related that he was summoned back to the attic by supervisors and while there, he observed Mr. ██████████ climb inside the attic window in order to descend the steep flight of stairs. PO Sabella remained with Sgt. Jetel until FOP and detectives arrived on scene. (Atts. 66, 67)


CONCLUSION AND FINDING

On 17 March 2014, at approximately 2207 hours, Officer Sabella was assigned to a wagon and responded to a person with a gun call along with his assigned partner for the day, Officer Chris Maksud. The item that Mr. ██████████ was wielding was recovered and it was learned that it was a replica toy. Upon arrival, PO Sabella heard radio transmissions that Mr. ██████████ was on the roof of the residence at ██████████ S. Sangamon. Officers were inside the location, as well as at street level. PO Sabella took cover behind a Tahoe parked on Sangamon and he pointed the spotlight of the vehicle toward Mr. ██████████ who was standing on the roof. PO Sabella heard Sgt. Holy repeatedly asking Mr. ██████████ to drop the gun. PO Sabella could not hear the conversation between Mr. ██████████ and the officers located inside the attic. Mr. ██████████ directed his attention at Sgt. Holy and the officers who were positioned inside the attic. PO Sabella described Mr. ██████████ as acting erratically, very agitated, while he was flailing the weapon. It was later learned that the weapon was not an actual firearm; it was a plastic replica automatic black in color with brown handle grips. However, all parties interviewed by CPD detectives as well as those interviewed by IPRA, perceived that the weapon as real. Based on the photograph of the weapon recovered it is objectively reasonable to believe that the weapon was real, as it is consistent with images of an automatic weapon. The investigation yielded no evidence to conclude that the weapon was a toy until officers had obtained physical custody of it. After observing that Mr. ██████████ had focused his attention on Sgt. Holy, PO Sabella pointed his weapon and discharged it twice striking Mr. ██████████. PO Sabella stated that he had a clear unobstructed vantage point and discharged his weapon at Mr. ██████████ in fear of Mr. ██████████ firing on Sgt. Holy.

Based on the totality of the facts and circumstances, the R/I finds that an officer with similar training and experience as Officer Sabella would reasonably believe that Mr. ██████████ posed an immediate threat to the safety of his fellow officers. The R/I finds that the use of deadly force by **Officer Sabella** was therefore objectively reasonable and Within Policy as outlined by the Use of Force Model; the Illinois State Statute; and the Chicago Police Department's General Order 03-02-03, III, which states:

1. to prevent death or great bodily harm to the sworn member or to another person, or;
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.”


Inv. T. Williams, # 125


Supervising Investigator M.E. Olvera, #14


Chief Investigator Mark Grba


Chief Administrator Sharon R. Fairley